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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EMILE EDWARD BOUARI, et al.,

Defendants.

CASE NO: 2:16-cr-0032-JCM-GWF

**STIPULATION TO CONTINUE
CALENDAR CALL AND TRIAL DATE**

(Seventh Request)

**THIS IS THE FINAL CONTINUANCE
THAT WILL BE GRANTED AT THE
PARTIES' REQUEST.**

IT IS HEREBY STIPULATED AND AGREED, by and between ROBERT A. KNIEF, ESQ., Assistant United States Attorney, counsel for the UNITED STATES OF AMERICA; THOMAS A. ERICSSON, ESQ., counsel for defendant, KIMBERLY ANN MILKO; BRET O. WHIPPLE, ESQ., counsel for defendant, MARY GREEN; and MONT E. TANNER, ESQ., counsel for defendant, EMILE BOUARI; that the calendar call currently scheduled for September 19, 2018, at the hour of 1:30 p.m., and the trial date currently scheduled for September 24, 2018, at the hour of 9:00 a.m., be vacated and continued at least 90 days to a date and time that is convenient for this Honorable Court.

This stipulation is entered into for the following reasons:

1. The parties require additional time to prepare for the trial in this matter.

2. The discovery in this case is voluminous. It consists of approximately 60 recordings memorializing in excess of 120 hours but less than 500 hours of English language conversations.
3. The parties are still in the process of conducting their investigations, subpoenaing documents, and finalizing the trial preparations.
4. The parties agree that the deadlines for pretrial motions and notices of defense should also be continued.
5. Counsel for KIMBERLY ANN MILKO has spoken to Assistant United States Attorney Robert A. Knief, and he has no objection to the continuance.
6. Counsel for defendant, KIMBERLY ANN MILKO, has spoken to his client, who is not in custody, and she has no objection to the continuance.
7. Counsel for defendant, MARY GREEN, has spoken to his client, who is not in custody, and she has no objection to the continuance.
8. Counsel for defendant, EMILE EDWARD BOURARI, has spoken to his client, who is not in custody, and he has no objection to the continuance.
9. The additional time requested herein is not sought for purposes of delay.
10. Denial of this request for a continuance would deny counsel for the defendant sufficient time, to effectively and thoroughly prepare and submit pretrial motions and notices of defense, taking into account the exercise of due diligence.
11. Additionally, denial of this request for continuance could result in a miscarriage of justice.

DATED: August 29, 2018.

/s/ Thomas A. Ericsson
THOMAS A. ERICSSON, ESQ.
Counsel for Kimberly Ann Milko

/s/ Robert A. Knief
ROBERT A. KNIEF, ESQ.
Assistant United States Attorney
Counsel for USA

/s/ Bret O. Whipple
BRET O. WHIPPLE, ESQ.
Counsel for Mary Green

/s/ Mont E. Tanner
MONT E. TANNER, ESQ.
Counsel for Emile Edward Bouari

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3)
4 UNITED STATES OF AMERICA,)

5 Plaintiff,)

6 vs.)

7 EMILE EDWARD BOURARI, et al.,)

8 Defendants.)
9)
10)

CASE NO: 2:16-cr-0032-JCM-GWF

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

(Seventh Request)

11 **FINDINGS OF FACT**

12 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
13 Court finds that:

- 14 1. The parties require additional time to prepare for the trial in this matter.
- 15 2. The discovery in this case is voluminous. It consists of approximately 60
- 16 recordings memorializing in excess of 120 hours but less than 500 hours of
- 17 English language conversations.
- 18 3. The parties are still in the process of conducting their investigations,
- 19 subpoenaing documents, and finalizing the trial preparations.
- 20 4. The parties agree that the deadlines for pretrial motions and notices of
- 21 defense should also be continued.
- 22 5. Counsel for KIMBERLY ANN MILKO has spoken to Assistant United States
- 23 Attorney Robert A. Knief, and he has no objection to the continuance.
- 24 6. Counsel for defendant, KIMBERLY ANN MILKO, has spoken to his client,
- 25 who is not in custody, and she has no objection to the continuance.
- 26 7. Counsel for defendant, MARY GREEN, has spoken to his client, who is not in
- 27 custody, and she has no objection to the continuance.
- 28 8. Counsel for defendant, EMILE EDWARD BOURARI, has spoken to his client,
- who is not in custody, and he has no objection to the continuance.
9. The additional time requested herein is not sought for purposes of delay.

10. Denial of this request for a continuance would deny counsel for the defendant sufficient time, to effectively and thoroughly prepare and submit pretrial motions and notices of defense, taking into account the exercise of due diligence.

11. Additionally, denial of this request for continuance could result in a miscarriage of justice.

CONCLUSION OF LAW

The ends of justice served by granting said continuance outweigh the best interests of the public and the defense in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the defendant sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, U.S.C., § 3161(h)(7)(A), considering the factors under Title 18, U.S.C. §§ 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

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ORDER

IT IS THEREFORE ORDERED that the calendar call currently scheduled for September 19, 2018, at the hour of 1:30 p.m. be vacated and continued to the **2nd day of January, 2019 at 1:30 p.m.**

IT IS FURTHER ORDERED that the jury trial currently scheduled for September 24, 2018, at 9:00 a.m. be vacated and continued to the **7th day of January, 2019 at 9:00 a.m.**

IT IS FURTHER ORDERED that the pretrial motions are due by **December 7, 2018;** Responses are due by **December 21, 2018;** and Replies (if any) are due by **December 27, 2018.**

DATED August 30, 2018.


UNITED STATES DISTRICT JUDGE